

#3



Attorney Docket No.: P6166

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of: Wilder, et al.

U.S. Serial No.: 10/090,042

Filing Date: February 27, 2002

For: VACUUM BAG COLLAR
WITH ROTATABLE CLOSURE

Examiner: Not Known

Group Art Unit: 1724

COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

RECEIVED
OCT 18 2002
OFFICE OF PETITIONS

PETITION WHERE INVENTOR UNAVAILABLE UNDER 37 CFR §1.47(a)

In the above-entitled application, a Notice of Missing parts was mailed on April 12, 2002 requesting the inventors' declaration from both joint inventors. The final, nonextendable term for filing the inventors' declaration is October 14, 2002—even date of this Petition.

The following statements will make clear that joint inventor Dennis Bohemer has been unavailable or unwilling to execute the inventors' declaration despite the efforts of the other joint inventor, Brent Wilder, and the presumptive assignee to obtain his signature. This is a petition on behalf of Brent A. Wilder and presumptive assignee Wildwood Industries, that the application proceed on behalf of and as an agent for the inventor.

10/13/2002 CHGUYEN 00000100 182284 10050042

04 FC:1800 130.00 CH

This Petition accompanies the response to the Notice of Missing Parts which includes a copy of the unsigned declaration that sets out the last known address of the joint inventor, Dennis Bohemer. The invention was jointly developed by Mr. Bohemer and Mr. Wilder as part of their duties for their respective companies and the business relationship between such companies.

On February 28, 2001, provisional patent application No. 60/272,263 was filed on behalf of both inventors. On February 27, 2002, a full utility application, claiming priority from the provisional application, was filed. This is the application at issue concerning the Notice of Missing Parts. At such time, it was understood by Mr. Wilder and Wildwood Industries that Mr. Bohemer would execute the Inventors' Declaration upon issuance of the Notice of Missing Parts.

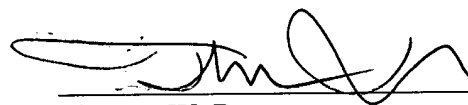
On April 12, 2002, the Notice of Missing Parts was issued by the Patent Office. The Notice was received by the undersigned patent counsel on April 18, 2002. On April 24, 2002, copies of the Notice of Missing Parts, as well as the Inventors' Declaration and assignment documents were transmitted to Mr. Wilder for his signature and that of Mr. Boehmer. Copies of these documents were then forwarded to Mr. Bohemer by Mr. Wilder.

As of the date of filing of this Petition, neither Mr. Wilder nor undersigned counsel have received an executed Inventors' Declaration from Mr. Bohemer nor comments from Mr. Bohemer regarding when, or if, he would execute the Inventors' Declaration, despite numerous reminders over the last six months. Although Mr. Wilder has some hope that the Declaration will be signed by Mr. Bohemer, as of the date of this Petition the joint inventor and applicant (and subsequent assignee, Wildwood Industries) have no choice but to declare Mr. Bohemer

unavailable to sign the Declaration. In view of the foregoing, Mr. Brent A. Wilder and assignee Wildwood Industries declare that joint inventor Mr. Dennis Bohemer refuses or is otherwise unavailable to sign the Declaration.

A check for \$130.00 is enclosed to cover the petition fee under 37 C.F.R. § 1.17(i). Any deficiency or credit for overpayment should be charged or credited to the deposit account of Piper Marbury, Account No. 18-2284. This sheet is transmitted in duplicate.

Respectfully submitted,



Thomas W. Ryan
Reg. No. 43,072

RECEIVED
OCT 18 2002
OFFICE OF PETITIONS

Piper Rudnick
P.O. Box 64807
Chicago, Illinois 60664-0-807
Phone: (312) 368-4000
Fax: (312) 236-7516

The PTO did not receive the following
listed item(s) A check of \$130.00